

In the Court of Appeals of the State of Alaska

Jason Rak,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13254**

Order

Date of Order: **October 28, 2019**

Trial Court Case No. **3AN-16-07022CI**

The appellant's opening brief was due September 30, 2019. This Court issued an overdue notice on October 7, 2019 directing counsel for the appellant to show cause why a fine of \$50.00 should not be imposed under Appellate Rule 510(c). The notice required the response to be filed on or before October 21, 2019. When this Court received no response by October 28, 2019, it issued an order imposing a \$50 sanction.

Unbeknownst to the Court, counsel for the appellant had mailed a response to the order to show cause and a motion for extension of time three days earlier, on October 25, 2019. But the response and motion did not arrive in the mail until this Court had already issued its order. In her response, appellant's counsel states that she should be fined, but she asked this Court to accept her late-filed motion for extension of time to file the opening brief.

This Court vacates its prior order dated October 28, 2019. This Court concludes that Ms. Roberts shall be sanctioned in the amount of \$50 with \$50 suspended for a period of one year. The suspension is conditioned on Ms. Roberts not having any further violations of court rules during that year.

This Court partially grants the motion for extension of time to file the opening brief. The opening brief was originally due on November 19, 2018. Appellant's

Rak v State - p. 2
File No. A-13254
October 28, 2019

counsel asks for an extension until January 15, 2020, but that would result in a total extension of 422 days. The maximum extension allowed under Standing Order 12 is 390 days, which would make the brief due December 14, 2019. Because that date falls on Saturday, the brief is due on **Monday, December 16, 2019**. To extend the brief beyond that deadline, appellant's counsel will have to make a showing of extraordinary circumstances.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Brooke Berens, Office of Public Advocacy

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